

Here are the facts. Customs and Border Protection recorded more than 100,000 migrant encounters in February—100,000. That was up 28 percent from January. DHS projects the March totals will keep 2021 on pace for the most border encounters in 20 years. Unaccompanied child arrivals have jumped 63 percent, on pace to shatter all-time records.

This would be a humanitarian crisis under any circumstances, but it is even worse during a global pandemic. These thousands of unaccompanied kids are being housed in three-high bunk beds in facilities now stuffed at more than triple capacity. During the pandemic that is keeping kids out of schools and small businesses from fully reopening, these failing policies have us crowding these kids together down at the border.

And, don't forget, the Biden administration policy directs CBP to release migrants on U.S. soil while they await asylum rulings. That is without—with-out—a negative COVID test. So good luck to the communities on the border.

This isn't just a health and humanitarian crisis, though. It is a security crisis as well. New reporting suggests that multiple people arrested at the border in recent months have been matched to names on the FBI's terrorist watch list.

Democrats claim this overall influx is not because of their new administration. Well, that would be news to the migrants themselves. Some of these people have told reporters it was Democrats' rhetoric that led them to come. Some have shown up wearing T-shirts with the Biden campaign's logo on them.

Administration officials keep sending mixed messages, repeating phrases from the White House podium like "now is not the time to come." So there will be an appropriate time sometime later for people to enter our country illegally?

Speaking of mixed signals, this week, the House is voting on immigration bills. Are they leaping into action to repair the crisis? No, that is not what they have in mind. They are taking up an amnesty plan that would create a special new pathway to citizenship for illegal immigrants working in certain industries.

So to summarize, the administration can't admit they have caused the crisis. They have yet to address the crisis. And House Democrats are backing policies that would only exacerbate the wrong incentive.

#### ELECTIONS

Mr. McCONNELL. Now, Mr. President, on a completely different matter, I remember distant days long, long ago, way back through the mists of time, when Democrats said it would be wrong for Washington to overturn a State-certified election result.

No, wait a minute. That was 2 months ago. Two months ago, every Democrat, cable news channel, and

every liberal newspaper was melting down over some Republicans' efforts to dispute State-certified election results here in Congress. I vocally opposed those efforts myself.

But right now, as we speak, Speaker PELOSI and Washington Democrats are literally trying to overturn a State-certified election here in Congress. That is exactly what they are doing over in the House right now.

The voters of Iowa's Second District spoke in November. They counted the votes. They recounted the votes. The outcome was certified. That is the magic word, "certified," that we heard over and over and over again in November and December.

There was the opportunity to present complaints in court. Sound familiar? But the defeated Democrat passed up the opportunity to go to court. The process played out in a way that every liberal in America spent November, December, and January insisting was beyond question.

Ah, but there is a catch. This time—this time—the Republican won, and the Democrat lost. So Speaker PELOSI and Washington Democrats have set out trying to overturn the result from right here in Congress.

Congresswoman MILLER-MEEKS has been sworn in. She is here. She is working. But Democratic leadership is trying to use brute political power to kick her out and replace this Congresswoman with the Democrat whom she defeated.

You don't often see hypocrisy this blatant and this shameless so quickly.

Naturally, now that the Democrats stand to benefit from this, the concept of Washington overturning a certified election has gone from a massive outrage—a massive outrage—to a minor afterthought for much of the national media.

This is happening at the same time that House and Senate Democrats are pitching a massive takeover of all 50 States' election laws. The same people who are trying to overturn this certified election result want to ram through a bill that would let them control the democratic processes that will determine whether they keep their jobs and their majority in 2 years' time.

This isn't about principle. It is just an attempt to use a temporary majority to pull off a permanent partisan power grab.

Democratic leaders have razor-thin majorities in both Chambers. They are obviously afraid they are going to lose them, so they have decided their top priority is a Washington rewrite of election rules.

The Second District in Iowa is just the appetizer. Soon Democrats want to come for the main course. Every congressional district, all 50 States, every election for every Federal office would have to be run the way liberal Washington lawyers who donate to Democrats prefer.

Voter ID? Their bill bans it unless States implement a huge loophole that

makes it meaningless. But ballot harvesting, where paid political operatives can hand in stacks of absentee ballots with other people's names on them? It won't just be allowed; it will be mandatory nationwide.

Those are just two examples from an endless list. Outside special interests are putting tens of millions of dollars behind this.

In fact, some Democrats are so desperate to rewrite the rules of our democracy that many of them want to break the Senate's rules in order to do it. They want to break the Senate's rules in order to rewrite the rules of our democracy all over America. People will argue that it is worth destroying the legislative filibuster over H.R. 1 because the rules that govern our democracy are so important.

Of course, that is backward. The rules that govern our democracy are indeed uniquely sensitive and important. That is why this issue, of all issues, must be addressed in a fair and bipartisan way.

This isn't a uniquely justifiable place to shred the Senate's rules and ram through something partisan. It is a uniquely unjustifiable place to do it.

I worked with Chris Dodd to spearhead the Help America Vote Act back in 2002, a big landmark election bill that made it easier to vote and harder to cheat. It passed the Senate 92 to 2—92 to 2.

That is the kind of consensus you build if you want to tune up our democracy. That's the kind of broad bipartisan support that exists for making it easier to vote but harder to cheat, a far cry—a far cry from overturning a result from the last election and dictating the terms of the next one.

#### TRIBUTE TO JENNIFER HEMINGWAY

Mr. McCONNELL. Mr. President, now on one final matter, this week marks the end of Jennifer Hemingway's service as the Senate's Acting Sergeant at Arms. I am happy and grateful that Jennifer is actually not going anywhere. While she is stepping aside from the top job, as is custom when party control flips, Leader SCHUMER had the excellent judgment to retain Jennifer as the Sergeant at Arms Chief of Staff.

So, instead of a farewell, I just want to offer a few thanks.

I cannot imagine tougher circumstances than those in which Jennifer stepped into in this job. She had already impressed everyone as Deputy Sergeant at Arms, but when the Capitol was breached on January 6, she leapt into action on a whole new level.

It then fell to Jennifer to take the reins during challenging times. Her sure-handed leadership and institutional knowledge helped us get through a safe and successful inauguration just 2 weeks after January 6. Then came the fourth-ever Presidential impeachment trial, and there have been all the critical daily missions the Sergeant at

Arms team fulfills, from physical security to IT infrastructure.

So we were lucky to have such a poised professional on the job, and we are lucky she is sticking around. I know all of my colleagues share their gratitude for Jennifer's superlative service.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Xavier Becerra, of California, to be Secretary of Health and Human Services.

Mr. MCCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### FILIBUSTER

Mr. THUNE. Mr. President, once again, we are hearing chatter from some Democratic Senators about abolishing the filibuster. I had hoped we would move on from such talk after multiple Democratic Senators pledged to uphold the filibuster but apparently not. Apparently, some Democrats think that they can pressure or bully those Senators and other Democratic Senators who have expressed reservations into going back on their word.

Let me quote a former Senator on attempts to change filibuster rules in the Senate, and I am quoting:

We should make no mistake. This nuclear option is ultimately an example of the arrogance of power. It is a fundamental power grab by the majority party. . . . Folks who want to see this change want to eliminate one of the procedural mechanisms designed for the express purpose of guaranteeing individual rights, and they also have a consequence, and would undermine the protections of a minority point of view in the heat of majority excess.

That was former Senator Joe Biden.

Here is what a current Senator had to say on eliminating the legislative filibuster, and again I quote:

I can tell you that would be the end of the Senate as it was originally devised and created going back to our Founding Fathers. We have to acknowledge our respect for the minority, and that is what the Senate tries to do in its composition and in its procedure.

That was a statement from the current Democratic whip in 2018.

In 2017, 33 Democratic Senators signed a letter urging that the legislative filibuster be preserved—2017.

Of course, Democrats have not limited their support of the filibuster to words; they have supported it by their actions. In the last Congress, Democrats set a record for forcing cloture votes, which is what has to happen in order to end a filibuster. They repeatedly used the filibuster when they disagreed with legislation that Republicans were advancing. They filibustered COVID relief. They filibustered police reform even though Senator SCOTT and Leader MCCONNELL had committed to a robust, bipartisan amendment process. They filibustered pro-life legislation, and they made it very clear that they deeply regretted the fact that they could not filibuster judicial nominees—a situation, I would point out, of their own making. Even without the judicial filibuster, they used every tool at their disposal to slow down judicial nominations.

So, as of last year, Democrats' actions clearly demonstrated their firm support of the filibuster, but now that they have actually taken power here in Washington, albeit by the slimmest possible majority, they are pushing to get rid of it.

Democrats, of course, would like people to believe that this is a principled change; that all of a sudden, they have realized that it is really much better for the country if the majority party gets to do whatever it wants when it is in charge. Well, I just have to say, if you believe that, I have some nice oceanfront property in South Dakota to sell you.

I doubt that there is anyone anywhere in the country who seriously thinks that the Democrats' dramatic 180-degree turn on the filibuster is a principled reversal of their previous position. No, this isn't about principle. It is partisanship. It is political expediency. Democrats' principles haven't changed; their power in the Senate has. They are in charge now. They don't want anything holding them back, like that pesky Senate rule that they have used so often to their advantage.

The truth is, Democrats want a one-sided advantage. Last year, they were perfectly happy to exercise their rights as a minority and filibuster any Republican legislature they didn't like, but now that they are in charge, they want to deny the minority a right Democrats repeatedly exercised when they were in power. They are apparently too shortsighted to see that their proposal could be turned back on them in an instant.

When Democrats abolished the filibuster for judicial nominees, Leader MCCONNELL warned Democrats that they would reap the whirlwind, and they did. Much to Democrats' horror, President Trump ended up being the chief beneficiary of the abolition of the filibuster for judicial nominees, appointing a vast number of conservative judges to the Federal bench.

Several Democratic Senators have openly admitted that they had made a mistake by abolishing the judicial filibuster. The junior Senator from Delaware came to the floor in April 2017 and said he regretted changing the rules in 2013. The senior Senator from Minnesota not only said she regretted changing the rules, she went so far as to say in 2018 that she would support bringing back the 60-vote requirement. Yet now Democrats are apparently ready to abolish—abolish—the legislative filibuster. How have they not learned their lesson? Unless Democrats are so arrogant as to think they will never again be in the minority.

Some Democrats have suggested that we need to abolish the filibuster because otherwise the Senate won't get anything done. Well, not quite. Not quite. It is not that the filibuster could prevent us from getting anything done; it is that it could prevent us from getting everything Democrats want done. That is a big difference.

The truth is, Democrats could easily get something done in the Senate if they were willing to actually work with Republicans. And by "work with Republicans," I don't mean inviting Republicans to join their bills while excluding any meaningful Republican input. I don't mean threatening Republicans to support their bills on pain of having the filibuster abolished or substantially altered. No, I mean genuinely inviting Republicans to the table.

Now, it would mean the Democrats wouldn't get everything they want done, and, of course, Republicans certainly wouldn't get everything we want done, but we could get something done. In fact, we could get some pretty meaningful things done. We could negotiate an infrastructure bill. We could pass section 230 reform, like the bipartisan bill I introduced with Senator SCHATZ yesterday. We could pass police reform legislation, expand domestic manufacturing capacity, and protect election integrity. We could do all of that and more if Democrats would engage in genuine bipartisan negotiation.

Is it really too much to ask that Democrats find 10 Republicans to work with on major legislative items? Everyone would like to pass their unedited agenda just like they want it, but that is not how things are supposed to work, at least not in the U.S. Senate, and it is certainly not how it is supposed to work when, like Democrats, you barely have a majority. The Senate and, indeed, our whole system of government were designed to prevent a partisan majority from steamrolling through its unedited, unchecked agenda.

Let's just talk for a minute about the purpose of the Senate. Actually, let me take a step back and talk about the purpose of our whole system of government.

Our Founders established not a pure democracy, where the will of the majority reigns unchecked, but a democratic Republic. It was their intention